measures by the Inter-American Commission on Human Rights in the case of Mr. Amerhane. The Committee had been informed that Ahmed Belbacha was also about to be transferred from Guantánamo to Algeria. How would his fate be monitored?

32. **Ms. Majodina** said that the Committee remained concerned about police brutality and the use of excessive force by law enforcement officials, particularly against Afro-Americans, persons of Latin American descent and undocumented migrants attempting to cross the border from Mexico. According to newspaper reports, no officials had been charged in relation to the deaths of 42 persons killed in incidents along the border with Mexico since 2005. Those killings violated the State party's own policy on the use of lethal force, whereby an officer could use it only when the person targeted by such force posed an imminent threat of seriously injuring or killing the officer or other persons. She asked whether there were official standards regulating the use of force by border patrols and, if so, what they were. She requested details on the training received by members of border patrols, whether statistics were kept on the use of force and whether the State party intended to bring the use of firearms by law enforcement officials into line with basic United Nations principles. She asked what oversight and compensation mechanisms were being put in place to address human rights violations arising from the excessive use of force by law enforcement officials. Noting that there had been more than 60 deaths in the State party since 2001 involving the use of Tasers, including in places of detention, she asked what was being done to curb their apparently indiscriminate use.

33. **Ms. Chanet** asked for information regarding so-called "stand your ground laws" in force in many states of the State party. Noting that a court jury had found itself unable to convict a private security guard in connection with the deadly shooting of unarmed 17-year-old Trayvon Martin in Florida in 2012, she asked whether the State party intended to have such laws amended in order to bring them into compliance with article 6 of the Covenant.

34. **Mr. Salvioli**, noting that a death-row inmate in Texas had recently been executed in spite of a request for interim measures by the Inter-American Commission on Human Rights and the fact that he had not received a fair trial, asked what the State party did to ensure that decisions by the Commission, whose work the United States purportedly supported, were respected in the various states in such situations.

35. **The Chairperson**, speaking as a member of the Committee, asked whether the State party was considering ratification of the Optional Protocol to the Covenant recognizing the competence of the Committee to receive and consider communications from individuals. Referring to questions raised by Mr. Shany regarding various state laws, he remarked that consideration should be given to the criminal liability of law professionals who published seriously flawed legal opinions, on the basis of which grave crimes were subsequently committed.

The meeting was suspended at 5.20 p.m. and resumed at 5.40 p.m.

36. **Ms. McLeod** (United States) said that the position of the State party with regard to the territorial scope of the Covenant, as set forth in article 2, paragraph 1, had not changed. The actions of the State party and its officials outside its territory were informed by its commitment to the rule of law and the principle of non-discrimination, due process, equal protection, and protection of human life and dignity. Many steps had been taken to prevent the use of torture by United States officials. Presidential Executive Order No. 13,491 on Ensuring Lawful Interrogations, of 22 January 2009, stated that individuals detained in any armed conflict would be treated humanely and would not be subjected to violence to life and person (including murder of all kinds, mutilation, cruel treatment and torture), nor to outrages upon personal dignity (including humiliating and degrading treatment), whenever such persons were in the custody of officials of the United States. The 2005 Detainee Treatment Act stated that "no individual in the custody or under the physical control of the

United States Government, regardless of nationality or physical location, shall be subject to cruel, inhuman, or degrading treatment or punishment". The terms of the treaty were applicable at all times and in all places, not just in the territory of the State party. It was a matter of policy that no persons should be forcibly removed to another country where there was a likelihood of them facing torture or cruel treatment.

37. **Mr. Washburn** (United States) said that more than 50,000 new housing units had been built in the previous five years in his country. The Federal Government was of the opinion that criminalization was not the solution to homelessness, and the Interagency Council on Homelessness was looking at a variety of approaches to the problem, including improved partnerships between housing agencies and social services, and between law enforcement agencies and social service-providers. Police officers required improved specialized training so as to deal with the homeless as persons requiring social services rather than as offenders. Re-entry services were needed for persons completing prison sentences, as former inmates were often the most vulnerable to homelessness. The Housing and Urban Development Department spent more than US$ 650 million a year on housing in Native Indian communities alone.

38. **Mr. Becker** (United States) said that the Administration of Salt Lake City, of which he was mayor, actively pursued a human rights agenda. Adults living in the same residence could enter their names on the mutual commitment registry to establish a relationship of mutual support. Same-sex marriage had been legalized in the State of Utah in December 2013. Since the city had embarked in 2006 on a plan to eliminate homelessness by 2016, the number of homeless people had fallen by 75 per cent. President Obama had launched an initiative to end homelessness among war veterans. That goal had been achieved in Salt Lake City, and other cities in the State party were attempting to follow suit. Funds and technical assistance had been provided by the Federal Government and cooperation at all levels of government had been the key to success.

39. **Mr. Swartz** (United States) said that the number of states applying the death penalty, the number of people on death row and the number of people who had been executed in the State party had declined over the previous decade. The death penalty as it was employed in the State party was consistent with article 6 of the Covenant, in that it was applied only in cases involving the most heinous crimes. The capital case review protocol was designed to ensure that the death penalty was imposed only in appropriate cases and in a non-discriminatory manner. At the Federal and state levels, all death penalty statutes must guide the discretion of the fact-finder and must narrow the class of offenders who could be subjected to the death penalty. Every convicted person was entitled to an individual review of the applicability of the penalty in his or her case. Juries must take into account any mitigating evidence. The Federal Department of Justice was working with the states to ensure the availability of defence counsel trained to deal with cases involving offences carrying capital punishment and to build their capacity.

40. Imposition of the death penalty on the basis of race was expressly prohibited. Nevertheless, the overrepresentation of Afro-Americans on death row was a matter of concern that continued to be studied by the Department of Justice. The Attorney General had announced the establishment of a racial disparity working group to study the matter. With regard to the narcotics used in lethal injections, federal courts were increasingly exercising their authority to hear constitutional challenges to state execution protocols and the use of certain drugs.

41. A post-conviction review procedure was in place and the number of cases of people who had been exonerated after sentencing could be seen as a vindication of the State party's justice system. Statutes on compensation for wrongful conviction were in place at the federal level, in the District of Columbia and in 29 states. Under the Federal Innocence Protection Act, persons who had been wrongly sentenced to death were entitled to US$

100,000 for every year wrongfully spent in prison. The Act also provided that states should compensate persons who had been wrongfully convicted.

The meeting rose at 6 p.m.